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*Attorneys for Defendant,
Tropicana Las Vegas, Inc.*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

MELVIN TURPIN,

Plaintiff,

vs.

TROPICANA LAS VEGAS HOTEL AND
CASINO, INC.; TROPICANA RESORT &
CASINO, LLC; DOES I through X AND
ROES XI through XX, inclusive,

Defendants.

Case No.: 2:14-cv-01782-GMN-PAL

**DEFENDANT'S REQUEST TO
VACATE SETTLEMENT
CONFERENCE**

Defendant, Tropicana Las Vegas, Inc. ("Tropicana")¹ respectfully requests this Court to vacate the parties' Settlement Conference, presently scheduled to take place on May 5, 2016. (Doc. # 35.) On December 4, 2015, Tropicana filed its Motion for Summary Judgment. (Doc. # 23.) Tropicana has agreed to two extensions of time for Plaintiff, Melvin Turpin ("Plaintiff" or "Turpin") to respond - the last one with a response deadline of January 26, 2016. (Doc. # 28.) The

¹ Plaintiff erroneously named Tropicana Las Vegas Hotel and Casino, Inc. and Tropicana Resort & Casino, LLC.

1 Court granted the extension on January 25, 2016. (Doc. # 29.) No Response was filed. On
 2 February 12, 2016, Tropicana filed a Notice of Plaintiff's Non-Opposition to its Motion. (Doc. #
 3 30.)

4 As a result of Plaintiff's failure to participate in this matter, on February 18, 2016,
 5 Tropicana requested a status conference with the Court to obtain guidance regarding Plaintiff's
 6 lack of participation.² (Doc. # 31.) In its request, Tropicana stated that, based on this lack of
 7 participation, Tropicana's Motion for Summary Judgment should be granted and this case
 8 dismissed in its entirety. (*Id.*)

10 That same day, Tropicana also moved to reschedule the Settlement Conference as it was
 11 apparent Plaintiff would not appear in good-faith at the Settlement Conference and would waste
 12 everyone's time, including that of the Court. (Doc. # 32.) The parties were able to reach an
 13 agreement concerning the Settlement Conference, and on February 24, 2016 filed an Emergency
 14 Stipulation to Reschedule the Settlement Conference. (Doc. # 34.) In the Stipulation, Plaintiff
 15 represented that he was willing to fully participate. (*Id.*) The Order was signed on February 26,
 16 2016, and the Settlement Conference was continued to May 5, 2016. (Doc. # 35.)

18 On the same day Plaintiff's counsel represented that Plaintiff was willing to fully
 19 participate in this matter, and then moved this Court for additional time up to and including March
 20 11, 2016, to respond to Tropicana's Motion for Summary Judgment.³ (Doc. # 33.) The Court has
 21 not ruled on Plaintiff's request for additional time; however, Plaintiff's requested deadline has
 22 since passed, and Tropicana's Motion for Summary Judgment remains unopposed now for over
 23 four (4) months.

26 ² This request remains pending before the Court.

27 ³ The document was in fact filed as a Response to Tropicana's Motion for Summary Judgment, but is titled "Plaintiff's
 28 Motion to Extend Time to File Opposition to Motion for Summary Judgment (Third Request)." (Doc. # 33.)

1 Because Plaintiff has failed to comply with his counsel's prior representation that he would
2 fully participate in this matter, Tropicana sees no point in wasting its time and resources, and, more
3 importantly, the Court's time, in appearing for the May 5, 2016 Settlement Conference. Tropicana
4 believes that Plaintiff's delay and continued delay in not responding to Tropicana's Motion for
5 Summary Judgment is indicative that Plaintiff will not appear with a good-faith attempt to settle,
6 and a Settlement Conference will not be fruitful.

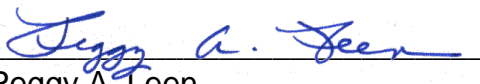
7
8 Dated this 5th day of April, 2016.

9 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

10 /s/ Dana B. Krulewitz
11 Anthony L. Martin
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19 *Attorneys for Defendant Tropicana Las Vegas, Inc.*

20 IT IS SO ORDERED this 27th day
21 of April, 2016.

22 
23 Peggy A. Leen
24 United States Magistrate Judge
25
26
27
28

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CERTIFICATE OF SERVICE

I hereby certify that I electronically transmitted the attached **DEFENDANT'S REQUEST TO VACATE SETTLEMENT CONFERENCE** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant:

Kristina S. Holman, Esq.

Pursuant to FRCP 5(b), I hereby further certify that service of the foregoing **DEFENDANT'S REQUEST TO VACATE SETTLEMENT CONFERENCE** was also made by depositing a true and correct copy of same for mailing, first class mail, postage prepaid thereon, at Las Vegas, Nevada, to the following:

Kristina S. Holman, Esq.
Holman Law Office
703 S. Eighth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

DATED this 5th day of April, 2016.

/s/ Mindy Warner

AN EMPLOYEE OF OGLETREE, DEAKINS,
NASH, SMOAK & STEWART, P.C.